

ESTTA Tracking number: **ESTTA379596**

Filing date: **11/19/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Estee Lauder Inc.
Granted to Date of previous extension	12/08/2010
Address	767 Fifth Avenue New York, NY 10153 UNITED STATES
Attorney information	Lesley A. Moradian Estee Lauder Inc. 767 Fifth Avenue New York, NY 10153 UNITED STATES uspto@estee.com

Applicant Information

Application No	77929923	Publication date	08/10/2010
Opposition Filing Date	11/19/2010	Opposition Period Ends	12/08/2010
Applicant	Dara Zadikow 728 Knickerbocker Ave Apt 3L Brooklyn, NY 11221 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. First Use: 2009/01/15 First Use In Commerce: 2009/05/22

All goods and services in the class are opposed, namely: Aromatherapy body care products, namely, body lotion, shower gel, cuticle cream, shampoo, conditioner, non-medicated lip balm, soap, body polish, body and foot scrub and non-medicated foot cream; Aromatherapy lotions; Beauty lotions; Body lotion; Body lotions; Face and body lotions; Hair care lotions; Hand lotions; Massage lotions; Scented body lotions and creams; Shea butter for cosmetic purposes; Skin lotions

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	1995962	Application Date	05/27/1994
Registration Date	08/20/1996	Foreign Priority Date	NONE

Word Mark	VERITE
Design Mark	
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 1996/01/01 First Use In Commerce: 1996/01/01 cosmetic products, namely, cleansers, toners, nourishers, moisturizers, face, hand, and body creams, lotions, and gels

Attachments	74531580#TMSN.gif (1 page)(bytes) Notice of Opposition.pdf (9 pages)(212737 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/lam/
Name	Lesley A. Moradian
Date	11/19/2010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 77/929,923 for the mark SHEA VÉRITÉ
Filed: February 10, 2010

Filed: February 10, 2010

Published in the *Official Gazette* on August 10, 2010

ESTEE LAUDER INC.,

Opposer,

- against -

DARA ZADIKOW

Applicant.

NOTICE OF OPPOSITION

Commissioner for Trademarks

P.O. Box 1451

Alexandria, VA 22313-1451

BOX TTAB - FEE

NOTICE OF OPPOSITION

Opposer, Estee Lauder Inc. (“Estee Lauder” or “Opposer”), a corporation organized and existing under the laws of the state of Delaware and located and doing business at 767 Fifth Avenue, New York, New York 10153, believes that it would be damaged by the issuance of a registration to Dara Zadikow (“Applicant”) for the trademark SHEA VÉRITÉ shown in Application Serial No. 77/929,923 for “Aromatherapy body care products, namely, body lotion, shower gel, cuticle cream, shampoo, conditioner, non-medicated lip balm, soap, body polish, body and foot scrub and non-medicated foot cream; Aromatherapy lotions; Beauty lotions; Body lotion; Body lotions; Face and body lotions; Hair care lotions; Hand lotions; Massage lotions; Scented body lotions and creams; Shea butter for cosmetic purposes; Skin lotions” in

International Class 3 and therefore opposes the same. As grounds for the opposition, Opposer alleges as follows:

1. Opposer Estee Lauder Inc. is one of the foremost skincare, cosmetics and fragrance companies in the world and one of the leading manufacturers and marketers of prestige skincare, makeup and fragrance products.
2. Since at least January 1, 1996, Opposer has used and is using the trademark VÉRITÉ in connection with skin care products in the United States.
3. Opposer sells its VÉRITÉ branded skin care products through more than 3,000 retail or specialty locations in the United States. The VÉRITÉ products are also sold on the Internet, including at the website *www.estelauder.com*, as well as through authorized retailers such as Neiman Marcus and Saks Fifth Avenue (including through their websites).
4. Opposer is the owner of all right, title and interest in and to the mark VÉRITÉ for “cosmetic products, namely cleansers, toners, nourishers, moisturizers, face, hand, and body creams, lotions, and gels” in International Class 3. Said mark has been registered in the United States Patent and Trademark Office under Registration No. 1,995,962 since August 20, 1996. This registration is valid, subsisting and in full force and effect; it serves as prima facie evidence of Opposer’s exclusive rights in and to the registered mark; it establishes Opposer’s rights in VÉRITÉ mark prior to any rights on which Applicant can rely; and it serves to place Applicant on notice of Opposer’s rights. In addition, Registration No. 1,995,962 is incontestable and, therefore, constitutes conclusive evidence of Opposer’s exclusive right to use the identified mark on the goods specified in the registration pursuant to §§7 and 33 of the Lanham Act, 15 U.S.C. §§1057, 1115(b). A printout of the registration from TARR, the United States Patent and Trademark Office’s official database, is attached as Exhibit A.

5. As a result of nearly 15 years of use by Opposer and extensive advertising and promotion of the goods offered under its VÉRITÉ mark, Opposer has established strong rights in the VÉRITÉ mark. The VÉRITÉ mark has come to be associated uniquely with Opposer, represents enormous goodwill of Opposer, and identifies and distinguishes the goods manufactured, approved of or licensed by Opposer from those of others.

6. On information and belief, Applicant Dara Zadikow is an individual with a primary address at 728 Knickerbocker Avenue, Apartment 3L, Brooklyn, New York 11221.

7. On February 7, 2010, Applicant filed Application Serial No. 77/929,923 to register the mark SHEA VÉRITÉ for skin care products in International Class 3. The application is based use of the mark in commerce since at least May 22, 2009.

8. On information and belief, Applicant has not commenced use of the applied for mark on any goods in International Class 3 in the United States.

9. Both Applicant's filing date and its date of first use in commerce are after Opposer filed for federal registration of its mark, after Opposer began use of its VÉRITÉ mark, and after Opposer's mark became associated exclusively with the Opposer.

10. As a matter of law, by virtue of Opposer's registration, Applicant had constructive knowledge of Opposer's prior rights in the VÉRITÉ mark prior to adopting or seeking to register SHEA VÉRITÉ.

11. The mark that Applicant seeks to register so resembles Opposer's mark that use and registration thereof is likely to cause confusion, mistake and/or deception as to the source or origin of Applicant's goods and will injure and damage Opposer and the goodwill and reputation it has established in its mark.

12. The goods of Opposer and Applicant are so closely related that the public is likely to be confused and to assume erroneously that Applicant's goods are the goods of Opposer or that Applicant is in some way connected with and/or sponsored by or affiliated with Opposer, all to Opposer's irreparable damage.

13. By reason of the foregoing, Opposer will be damaged by the registration of Application Serial No. 77/929,923 for the mark VÉRITÉ.

WHEREFORE, Opposer respectfully requests that this opposition be sustained and that the registration sought by Applicant in Application Serial No. 77/929,923 be refused.

Dated: November 19, 2010
New York, New York

ESTEE LAUDER INC.

By Jessica L. Heiss

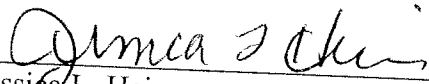
Jessica L. Heiss
Lesley A. Moradian
The Estee Lauder Companies Inc.
767 Fifth Avenue
New York, New York 10153
Tel: (212) 277-2321

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that on this 19th date of November, 2010 a true and correct copy of the foregoing notice of opposition and Exhibits A was served by U.S. mail postage prepaid on the correspondent of record at the below listed address which is the address identified in the records of the United States Patent and Trademark Office for the opposed application:

Dara Zadikow
728 Knickerbocker Avenue,
Apartment 3L
Brooklyn, New York 11221-5316



Jessica L. Heiss

EXHIBIT A

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-11-19 15:20:55 ET

Serial Number: 74531580 Assignment Information Trademark Document Retrieval

Registration Number: 1995962

Mark

VÉRITÉ

(words only): VERITE

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2006-10-28

Filing Date: 1994-05-27

Transformed into a National Application: No

Registration Date: 1996-08-20

Register: Principal

Law Office Assigned: LAW OFFICE 106

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2006-10-28

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. ESTEE LAUDER INC.

Address:

ESTEE LAUDER INC.

767 Fifth Avenue

New York, NY 10153

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

<http://tarr.uspto.gov/tarr?regser=registration&entry=1995962&action=Request+Status>

GOODS AND/OR SERVICES**International Class:** 003**Class Status:** Active

cosmetic products, namely, cleansers, toners, nourishers, moisturizers, face, hand, and body creams, lotions, and gels

Basis: 1(a)**First Use Date:** 1996-01-01**First Use in Commerce Date:** 1996-01-01**ADDITIONAL INFORMATION****Translation:** The English translation of the word "VERITE" in the mark is "truth".**MADRID PROTOCOL INFORMATION**

(NOT AVAILABLE)

PROSECUTION HISTORY**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2006-10-28 - First renewal 10 year

2006-10-28 - Section 8 (10-year) accepted/ Section 9 granted

2006-10-18 - Assigned To Paralegal

2006-08-11 - Combined Section 8 (10-year)/Section 9 filed

2006-08-11 - TEAS Section 8 & 9 Received

2006-07-05 - Case File In TICRS

2002-09-27 - Section 8 (6-year) accepted & Section 15 acknowledged

2002-08-19 - Section 8 (6-year) and Section 15 Filed

2002-08-19 - TEAS Section 8 & 15 Received

1996-08-20 - Registered - Principal Register

1996-06-06 - Allowed for Registration - Principal Register (SOU accepted)

1996-05-23 - Statement Of Use Processing Complete

1996-05-23 - Extension 1 granted

1996-02-21 - Use Amendment Filed

1996-02-21 - Extension 1 filed

1995-08-22 - NOA Mailed - SOU Required From Applicant

1995-05-30 - Published for opposition

1995-04-28 - Notice of publication

1994-11-18 - Approved For Pub - Principal Register

1994-11-10 - Examiner's amendment mailed

1994-11-07 - Previous Allowance Count Withdrawn

1994-10-28 - Approved For Pub - Principal Register

1994-10-27 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Lesley A. Moradian

Correspondent

LESLEY A. MORADIAN

ESTEE LAUDER COMPANIES INC.

767 FIFTH AVENUE

NEW YORK, NY 10153